IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 4039 OF 2005

Mohd. Nazir Mohd. Bashir. ...Petitioner.
Vs.
State of Maharashtra & Anr. ...Respondents.
....
Mr. Niranjan Shimpi for the Petitioner.
Mr. Bhushan Kakade, AGP for the Respondents.
.....

CORAM : A. P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

June 28, 2005.

P.C.:

In defiance of the judgment and order dated 3rd March 2004 passed by this Court in Writ Petition 1762 of 1999, a heavy motor vehicle belonging to the Petitioner (Registration No. MH-15/G-483) has been plied within the limits of the Municipal Corporation of Greater Mumbai. We are of the view that violations of the prohibition imposed in the order of the Division Bench on the plying of heavy vehicles in excess of 8 years' of age must be dealt with firmly. Initially when such a violation had been brought to the notice of the Court, an order was passed by the First Court, directing the release of the vehicle subject to the filing of an undertaking that the vehicle would not be plied within the Municipal

limits of Greater Mumbai and subject to a deposit of Rs.10,000/- with the Chief Minister's Relief Fund. In the past several weeks, a number of cases involving similar violations have been brought before the Court. We have, thereupon increased the amount to be deposited with the Chief Minister's Relief Fund to Rs.15,000/- observing that there should be a deterrent against such violation. We have been constrained to take serious note of these violations. Unless stringent steps are taken to deal with such violation, the judgment of the Division Bench will, as the facts before us in this case will show, be violated with impunity. In these circumstances, we are of the view that it would be necessary to impose as a deterrent a higher amount of Rs.20,000/- to be deposited with the Chief Miniser's Fund. The Petitioner shall furnish an undertaking to the RTO not to ply his vehicle within the Municipal limits of Greater Mumbai in future. The vehicle shall be released on furnishing of the undertaking and on the deposit of an amount of Rs.20,000/-. The Petitioner shall be permitted to ply the vehicle for one journey within the Municipal limits of Greater Mumbai so as to take the vehicle outside those limits.

2. The petition shall in the circumstances stand disposed of

in these terms. There shall be no order as to costs.

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